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June 21, 2023

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Catherine McKoy, et al. v. Trump Corp., et al.*
No. 18-cv-9936 (LGS) (SLC)

Dear Judge Schofield:

I am co-counsel for Defendants. I write pursuant to Rule I.D.3 of Your Honor's Rules to set forth the bases for Defendants' position that the sealed portions of Plaintiffs' opposition to Defendants' motion for summary judgment should remain sealed.

It remains Defendants' position that the same confidential matters that should be sealed as part of Defendants' motion papers, as explained in my March 26, 2023 letter (Docket no. 589), should also be sealed as part of Plaintiffs' opposing papers. Plaintiffs' motion opposition including its Rule 56.1 statement, contain extensive references to deposition transcripts from this case and document production from Defendants and non-party ACN, Inc. ("ACN") that has been marked confidential and that mandates sealing based on the designations as confidential pursuant to the protective order herein. Specifically, Defendants are not in a position to speak on behalf of ACN to relinquish that protection. Earlier today ACN submitted a letter stating that confidentiality for its proprietary and confidential information remains a priority (Docket no. 612). Additionally, reference is made in Plaintiffs' memorandum of law to the opinions and testimony of six experts, Kevin Keller, Mark Gartenberg and Stacie Bosley for Plaintiffs and Joseph Hair, Robert Peterson and Mark Cranston for Defendants, which are based on the same confidential and proprietary information of ACN (the same are also excerpted in the exhibits filed as addressed below). Accordingly, the references thereto are properly redacted. As ACN's submission stresses, the exhibits include materials produced by non-parties Anne Archer Butcher and Dolphin Entertainment, marketing consultants to ACN, produced on a confidential basis and

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containing ACN proprietary information about its business and its work with Defendant Donald J. Trump, including the amounts paid and agreements signed, that is at issue herein.

We address below the specific exhibits to the declaration of Christopher R. Le Coney in opposition to the motion. Defendants submit that all but one require filing under seal.

Ex. No.	Short description of exhibit	Recommendation
1	Emails between Trump Corp. employee and marketing consultant and ACN executives	References information treated as confidential by ACN and Defendants
2	Emails between Trump Corp. employee and marketing consultant	References information treated as confidential by ACN and Defendants
3	Emails with marketing consultant	References information treated as confidential by ACN and Defendants
4	Emails with Trump Corp. employees	Proprietary information of Defendants
5	ACN chart re CD/DVD sales	Document ACN treats as confidential
6	Success magazine article	Not confidential
7	Merriman deposition transcript excerpts	Marked confidential by ACN as containing company proprietary information
8	Donald J. Trump, Eric Trump and Ivanka Trump deposition transcript excerpts	Marked confidential by Defendants as containing confidential and proprietary information
9	Graff, Miller, McIver and Glosser deposition transcript excerpts	Marked confidential by Defendants as containing confidential and proprietary information
10	Plaintiffs' deposition transcripts	References information treated as confidential by ACN and Defendants
11	Expert report and transcript excerpts	References information treated as confidential by ACN and Defendants
12	ACN welcome booklet	ACN proprietary and confidential document
13	Emails with marketing consultant	References ACN and Defendants' confidential and proprietary information
14	Emails from ACN to IBOs	References ACN confidential and proprietary information
15	Video with unaired footage of TV program	Produced as confidential and proprietary by non-party

The corresponding references to this evidence in Plaintiffs' Rule 56.1 statement should also be sealed for the same reasons.

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Thank you for your attention to this matter.

Respectfully,

/s/ Peter T. Shapiro

Peter T. Shapiro of
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc: all counsel of record (via ECF)